

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

JAMES C. WINDING

PLAINTIFF

VS.

CIVIL ACTION NO. 4:07cv69-FKB

GEO ENTERPRISES

DEFENDANT

ORDER

This cause is before the court on numerous post-judgment motions filed by Plaintiff. Having considered the motions, the court rules as follows.

Plaintiff's motion for a new trial [196], motion to stay and motion for sanctions [197], motion to clarify and to reconsider judgment [198], motion to clarify and for reconsideration [201], motion for sanctions [203], motion to stay [204], and motion to reconsider [214] are hereby denied.

Plaintiff's motion for leave to file an amended notice of appeal [209] is granted.

Plaintiff has also filed a motion seeking a transcript and record at government expense [215]. A litigant proceeding *in forma pauperis* on appeal is entitled to a transcript at government expense only if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question). 28 U.S.C. § 753(f). In order to succeed on a motion for production of transcripts at government expense, a party must also show why the transcripts are necessary for proper disposition of his appeal. *Norton v. Dimazana*, 122 F.3d 286, 293 (5th Cir. 1997). If the litigant fails to demonstrate a particular need for a transcript or raise a substantial question, the court may properly deny the request. *Harvey v. Andrist*, 754 F.2d 569, 571 (5th Cir. 1985). In his motion, Plaintiff states only that he needs a transcript to establish error on appeal and that he unable to pay the costs for a transcript. He failed to show

specifically why the transcript is necessary to his appeal or otherwise satisfy the requirements for such a request. For this reason, the motion is hereby denied.

SO ORDERED this the 19<sup>th</sup> day of March, 2010.

/s/ F. Keith Ball

UNITED STATES MAGISTRATE JUDGE